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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 09/684,063	Applicant(s) NOMA, TSUNETAKE	
	Examiner PHILIP C. LEE	Art Unit 2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/18/11</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment and remarks filed on January 3, 2011.
2. Claims 1-2, 4-5 and 12-13 are presented for examination.

Claim Rejections - 35 USC 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claim 5, it is a program storage medium claim. Such a medium includes signal media under broadest reasonable interpretation. Signals are not patentable subject matter. Therefore, the claim is rejected as covering non-statutory subject matter. Please amend the claim to recite "non-transitory computer readable storage medium...", to clarify the claim does not include signals and thus covers only statutory subject matter.

Claim Rejections – 35 USC 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonoff, U.S. Patent 7,043,529 (hereinafter Simonoff) in view of Morris et al, U.S. Patent Application Publication 2002/0052919 (hereinafter Morris).

7. As per claim 1, Simonoff teaches the invention substantially as claimed for providing a service (100, fig. 3) to a plurality of information processing apparatuses (300, fig. 3) via a network (400, fig. 3), said service providing apparatus (100,fig. 3) comprising:

storing means for storing a plurality of chat rooms (server 100 storing web pages containing the white boards) (col. 21, lines 19-26), a list of available content (e.g., list of files/objects), and content (files/object) (col. 14, lines 30-32; col. 24, lines 7-8; col. 34, lines 49-51);

receiving means:

for receiving content requests transmitted from one of the plurality of information processing apparatuses currently participating in said one of the plurality of chat rooms, the content request including a selection from the list of available content (col. 14, lines 15-32; col. 22, lines 53-56) (server receive command to relay/upload the content (e.g., drawn object, files) from the client), and

for receiving text messages transmitted from any of the plurality of information processing apparatuses currently participating in said one of the plurality of chat rooms (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (server receive chat messages form clients);

acquiring means for acquiring the content requested by the content requests from the one of the plurality of information processing apparatuses (col. 14, lines 30-32; col. 17, line 67-col. 18, line 28; col. 23, line 60-col. 24, line 8) (obtaining the upload file (e.g., drawn object) selected by the Open File request from a white board client);

transmitting means for transmitting to all of the plurality of information processing apparatuses currently participating in said one of the plurality of chat rooms (col. 24, lines 22-27; col. 31, lines 35-37) (server sends to the clients participating in the white board):

the list of available content stored in said storing means (col. 14, lines 1-32);

the content acquired by said acquiring means, wherein the content acquired by the acquiring means is transmitted to all of the other plurality of information processing apparatuses without receiving a request for the content from any of the other plurality of information processing apparatuses (col. 17, line 67-col. 18, line 28; col. 20, lines 42-49; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2) ((when a white board client selects a Open File request, the server relays/displays the drawn object/file to users in the white board without receiving another Open File request for the content from any of the other white board clients);

a list of all of the information processing apparatuses currently accessing the service providing apparatus (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server);

said text messages received by said receiving means (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2) (chat messages relayed to the users); and

instructions to each of the plurality of information processing apparatuses currently accessing the service providing apparatus and participating in said one of the plurality of chat rooms (currently accessing application and chat room (i.e., whiteboard)) (col. 23, lines 26-32, 49-56) instructions commanding said one of the plurality of information processing apparatuses to simultaneously display in one display window (fig. 12B, display in a collaborator window) the list of available content (list of whiteboard files available on the server in order to be displayed on all of the whiteboard users), the name of the content being shared by all of information processing apparatuses currently receiving transmissions from the transmitting means (e.g., map_Iraq.jpg), and identification information corresponding to all of the information processing apparatuses currently accessing the service providing apparatus (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server).

8. Simonoff does not specifically teach receiving participation requests. Morris teaches for receiving participation requests transmitted from any of the plurality of information processing apparatuses to include a corresponding one of the plurality of information processing apparatuses in one of said plurality of chat rooms ([0006] and [0008]) (server 100 receives input of user

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clicking on SETUP button); and a list of all of the information processing apparatuses currently accessing the service providing apparatus and participating in said one of the plurality of chat rooms (figs. 1 and 2; [0007]).

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of participation requests would allow users in Simonoff's system to invite other users to participants in a chat room without fear that uninvited user will be able to see their comments ([0008]).

10. As per claim 4, Simonoff teaches the invention substantially as claimed for providing a service (100, fig. 3) to a plurality of information processing apparatuses (300, fig. 3) via a network (400, fig. 3), said service providing method comprising:

a storage step of storing a plurality of chat rooms (server 100 storing web pages containing the white boards) (col. 21, lines 19-26), a list of available content (e.g., list of files/objects), and content in a service providing apparatus (files/drawn object) (col. 14, lines 30-32; col. 24, lines 7-8; col. 34, lines 49-51);

a second reception step of receiving in the service providing apparatus a content request transmitted from one of the information processing apparatuses belonging to said one of the of the plurality of chat rooms, the content request including a selection from the list of available content (col. 22, lines 53-56) (server receive command to relay/display the content (e.g., drawn object/files) from the client);

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a third reception step of receiving text messages transmitted from any of the information processing apparatuses currently participating in said one of the plurality of chat rooms (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (server receive chat messages form clients);

an acquisition step of acquiring in the service providing apparatus the content requested by the content request from the one of the information processing apparatuses (col. 14, lines 30-32; col. 17, line 67-col. 18, line 28; col. 23, line 60-col. 24, line 8) (obtaining the upload file (e.g., object) selected by the Open File request from a white board client);

a first communication step of transmitting from the service providing apparatus to all of the information processing apparatus currently accessing the service providing apparatus and participating in said one of the plurality of chat rooms the list of available content (col. 14, lines 1-32);

a second communication step of transmitting from the service providing apparatus the content acquired by the acquisition step to all of the other information processing apparatuses currently accessing the service providing apparatus and participating in said one of the plurality of chat rooms without receiving a request for the content from any of the other plurality of information processing apparatuses (col. 17, line 67-col. 18, line 28; col. 20, lines 42-49; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2; col. 31, lines 35-37) ((when a white board client selects a Open File request, the server relays/displays the drawn object/file to users in the white board without receiving another Open File request for the content from any of the other white board clients); and

a transmission step of transmitting to each of the information processing apparatuses in said one of the plurality of chat rooms:

a list of all of the information processing apparatuses currently accessing the service providing apparatus (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server),

the text messages (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2) (chat messages relayed to the users); and

instructions to each of the information processing apparatuses currently accessing the service providing apparatus and participating in said one of the plurality of chat rooms (currently accessing application and chat room (i.e., whiteboard)) (col. 23, lines 26-32, 49-56) instructions commanding said one of the plurality of information processing apparatuses to simultaneously display in one display window (fig. 12B, display in a collaborator window) the list of available content (list of whiteboard files available on the server in order to be displayed on all of the whiteboard users), the name of the content being shared by all of information processing apparatuses currently receiving transmissions from the service providing apparatus(e.g., map_Iraq.jpg), and identification information corresponding to all of the information processing apparatuses currently accessing the service providing apparatus (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server).

11. Simonoff does not specifically teach receiving participation requests. Morris teaches receiving in the service providing apparatus a participation request to include one of the plurality of information processing apparatuses in one of said plurality of chat rooms ([0006] and [0008]) (server 100 receives input of user clicking on SETUP button); and a list of all of the information

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processing apparatuses currently accessing the service providing apparatus and participating in said one of the plurality of chat rooms (figs. 1 and 2; [0007]).

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of participation requests would allow users in Simonoff's system to invite other users to participants in a chat room without fear that uninvited user will be able to see their comments ([0008]).

13. As per claim 5, Simonoff teaches the invention substantially as claimed for providing a service (100, fig. 3) to a plurality of information processing apparatuses (300, fig. 3) via a network (400, fig. 3), comprising:

a storage step of storing in the shared server a plurality of chat rooms (server 100 storing web pages containing the white boards) (col. 21, lines 19-26), a list of available content (e.g., list of files/objects), and content (files/objects) (col. 14, lines 30-32; col. 24, lines 7-8; col. 34, lines 49-51);

a second reception step of receiving a content request transmitted from one of the information processing apparatuses currently participating in said one of the of the plurality of chat rooms, the content request including a selection from the list of available content (col. 22, lines 53-56) (server receive command to relay/display the content (e.g., object/file) from the client);

a third reception step of receiving text messages transmitted from any of the information processing apparatuses currently participating in said one of the plurality of chat rooms (col. 23,

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lines 60-63; col. 24, line 65-col. 25, line 2) (server receive chat messages form clients);

an acquisition step of acquiring the content requested by the content request (col. 14, lines 30-32; col. 17, line 67-col. 18, line 28; col. 23, line 60-col. 24, line 8) (obtaining the upload file/object selected by a Open File request from a white board client);

a first communication step of transmitting from the shared server to all of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms the list of available content (col. 14, lines 1-32);

a second communication step of transmitting the content acquired by the acquisition step to all of the other information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms without receiving a request for the content from any of the other plurality of information processing apparatuses(col. 17, line 67-col. 18, line 28; col. 20, lines 42-49; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2; col. 31, lines 35-37) ((when a white board client selects a Open File request, the server relays/displays the drawn object/file to users in the white board without receiving another Open File request for the content from any of the other white board clients); and

a transmission step of transmitting to each of the plurality of information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms:

a list of all of the information processing apparatuses currently accessing the shared server (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server),

the text messages (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2) (chat messages relayed to the users), and

instructions commanding each of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (currently accessing application and chat room (i.e., whiteboard)) (col. 23, lines 26-32, 49-56) to simultaneously display in one display window (fig. 12B) the list of available content (list of whiteboard files available on the server in order to be displayed on all of the whiteboard users), the name of the content being shared by all of information processing apparatuses currently receiving transmissions from the shared server (e.g., map_Iraq.jpg), and identification information corresponding to all of the information processing apparatuses currently accessing the service providing apparatus (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server).

14. Simonoff does not specifically teach receiving participation requests. Morris teaches receiving in a shared server a participation request transmitted from any of the plurality of information processing apparatuses to include one of the plurality of information processing apparatuses in one of said plurality of chat rooms ([0006] and [0008]) (server 100 receives input of user clicking on SETUP button); and a list of all of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (figs. 1 and 2; [0007]).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of participation requests would allow users in Simonoff's system to invite other users to

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participants in a chat room without fear that uninvited user will be able to see their comments ([0008]).

16. As per claim 12, Simonoff teaches the invention substantially as claimed for providing a service (100, fig. 3) to a plurality of information processing apparatuses (300, fig. 3), the service providing apparatus functioning as a shared server on a network (400, fig. 3), said service providing apparatus (100,fig. 3) comprising:

a memory configured to store a plurality of chat rooms (server 100 storing web pages containing the white boards) (col. 21, lines 19-26), a list of available content (e.g., list of files/objects), and content (files/object) (col. 14, lines 30-32; col. 24, lines 7-8; col. 34, lines 49-51);

a network interface:

configured to receive content requests transmitted from one of the information processing apparatuses currently participating in said one of said plurality of chat rooms, the content requests including a selection from the list of available content (col. 14, lines 1-32; col. 17, line 67-col. 18, line 28; col. 22, lines 53-56) (server receive command to relay/display the content (file/object) from the client); and

configured to receive text messages transmitted from any of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (server receive chat messages form clients);

the network interface configured to acquire the content requested by the content requests received from the one of the information processing apparatuses (col. 14, lines 30-32; col. 17, line 67-col. 18, line 28; col. 23, line 60-col. 24, line 8) (obtaining the upload file/object);

the network interface configured to transmit the acquired content to all of the other plurality of information processing apparatuses without receiving a request for the content from any of the other plurality of information processing apparatuses (when a white board client selects a Open File request, the server relays/displays the drawn object/file to users in the white board without receiving another Open File request for the content from any of the other white board clients) and the text messages to all of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (col. 14, lines 1-32; col. 17, line 67-col. 18, line 28; col. 20, lines 42-49; col. 23, lines 60-64; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2; col. 31, lines 35-37) (relay/display objects/files and chat messages to users at the same time); and

the network interface configured to transmit to each of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms:

the list of available content (col. 14, lines 1-32; col. 22, lines 53-56);

a list of all of the information processing apparatuses currently accessing the shared server (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server); and

the received text messages (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2) (chat messages relayed to the users); and

instructions commanding each of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (currently accessing application and chat room (i.e., whiteboard)) (col. 23, lines 26-32, 49-56) to simultaneously display in one display window (fig. 12B) the list of available content (list of whiteboard files available on the server in order to be displayed on all of the whiteboard users), the name of the content being shared by all of information processing apparatuses currently receiving transmission from the shared server (e.g., map_Iraq.jpg), and identification information corresponding to all of the information processing apparatuses currently accessing the shared server (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server).

17. Simonoff does not specifically teach receiving participation requests. Morris teaches receiving participation requests to include a corresponding one of a plurality of information processing apparatuses in one of the plurality of chat rooms, the participation requests transmitted from any of a plurality of information processing apparatuses ([0006] and [0008]) (server 100 receives input of user clicking on SETUP button), and a list of all of the information processing apparatuses currently accessing the shared server and participating in said one of the of chat rooms (figs. 1 and 2; [0007]).

18. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of participation requests would allow users in Simonoff's system to invite other users to

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participants in a chat room without fear that uninvited user will be able to see their comments ([0008]).

19. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonoff and Morris in view of Johnson et al, U.S. Patent 7,143,177 (hereinafter Johnson).

20. As per claims 2 and 13, Simonoff and Morris teach the invention substantially as claimed as claims 1 and 12 above. Simonoff and Morris do not specifically teach the content is music.

Johnson teaches wherein:

the content requested by the content requests is music (col. 5, lines 32-41; col. 29, lines 58-61; col. 30, lines 20-26) and

the selection is particular music data (col. 20, lines 50-53; col. 21, lines 24-36).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff, Morris and Johnson because Johnson's teaching of the content selected is music would allow users in Simonoff's and Morris's systems to share multimedia such as music with other users.

22. Applicant's arguments with respect to claims 1-2, 4-5 and 12-13, filed on 1/3/11 have been considered but are not persuasive.

23. In the remark, applicant argued that:

(1) Claim 5 is amended to recite a “non-transitory computer storage medium...”, as recommended in the office action. Therefore, the rejection of claim 5 under 35 U.S.C. 101 should be withdrawn.

(2) Simonoff fails to teach simultaneously display in one display window the list of available content, the name of the content being shared by all of information processing apparatuses currently receiving transmission from the shared server, and identification information corresponding to all of the information processing apparatuses currently accessing the shared server.

24. In response to point (1), the amendment of claim 5 filed on 1/3/11 recites “A non-tangible computer readable storage medium”, which is different than the recommendation in the previous office action and it is still directed to non-statutory subject matter.

25. In response to point (2), Simonoff teaches simultaneously display in one display window (fig. 12B) the list of available content (list of whiteboard files available on the server in order to be displayed on all of the whiteboard users), the name of the content being shared by all of information processing apparatuses currently receiving transmission from the shared server (e.g., map_Iraq.jpg), and identification information corresponding to all of the information processing apparatuses currently accessing the shared server (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server). Simonoff does not specifically teach receiving participation requests. Morris teaches a list of all of the information processing apparatuses

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currently accessing the shared server and participating in said one of the of chat rooms (figs. 1 and 2; [0007]). Although the list of available content overlaps the displays of the name of the content being shared by all of the information processing apparatuses currently receiving transmission from the shared server and identification information corresponding to all of the information processing apparatuses currently accessing the shared server, however, all of these displays are part of the collaborator window (Fig. 12B)

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information

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regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2453